

REMARKS

Claims 1-10 and 18-58 are in the application. Applicants elect with traverse claims 18-20, 45-46, 49, 53-54 and 58 of Group IV, drawn to a polymerized cross-linked chiral compound. Applicants traverse the restriction requirement on the basis that the Examiner has not established that examining all the claim limitations in the application would constitute a serious burden. See M.P.E.P. §803. Furthermore, the Restriction Requirement fails to take in account the fact that the hydrosilylation of chiral compound claims, including claim 57, of Group II are related to the process of using such polymerized cross-linked chiral compounds of Group IV. This is because at least due, in part, claims 50-52 and 55-58 are directed to chiral compounds obtained by the hydrosilylation of the polymerized chiral compounds of Group IV.

This is analogous to M.P.E.P. §806(h) (Process of Using), where the Examiner has the burden of establishing:

“(A) the process of using as claimed can be practice with another materially different product, or (B) the product as claimed can be used in a materially different process.” (M.P.E.P. §806.05(h); Process of Using)

It is respectfully submitted that the Action has failed to establish a *prima facie* case by, for instance, providing examples for any of the requirements provided above beyond just conclusive statements, and thus, the Restriction Requirement should be withdrawn.

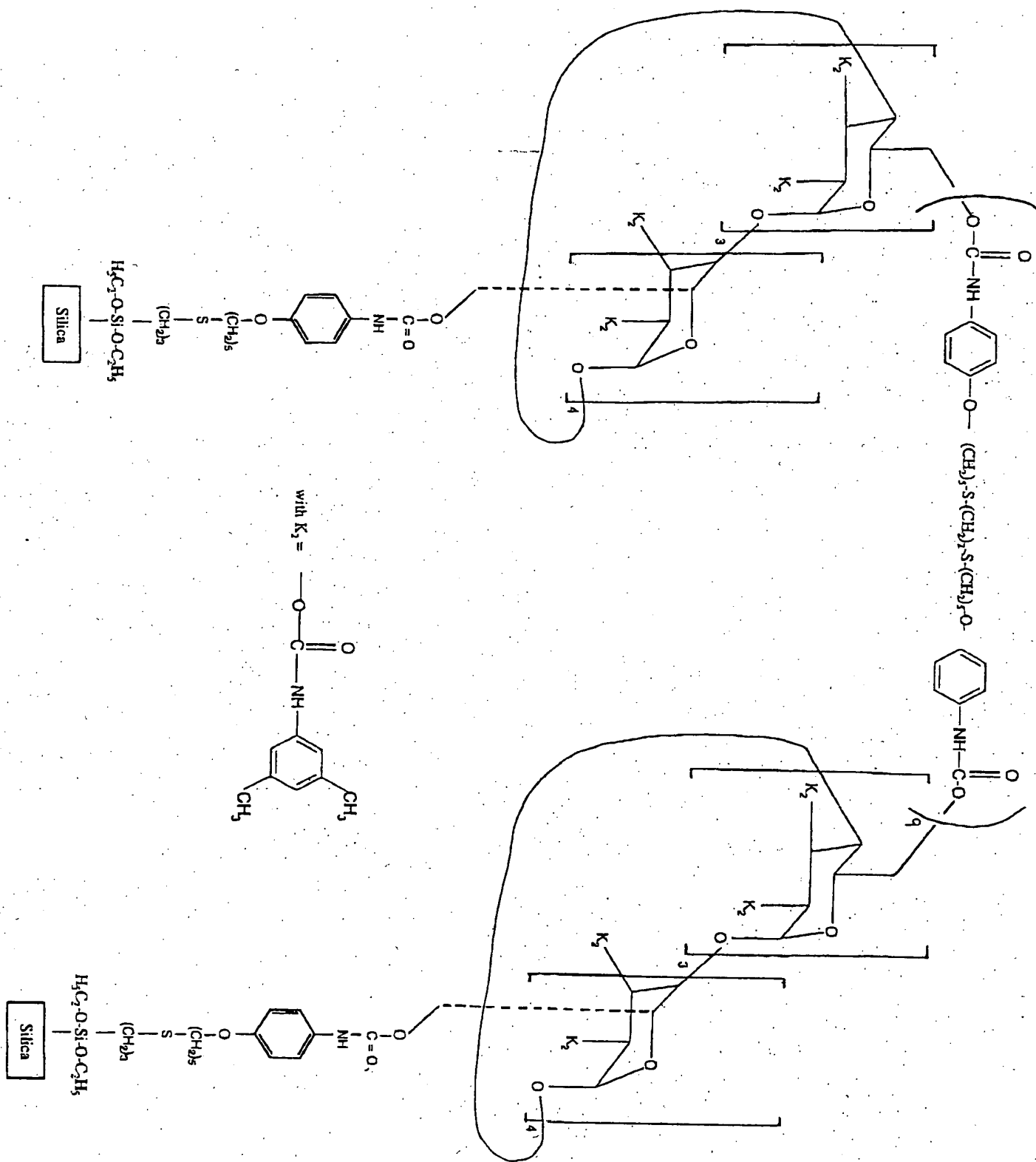
Moreover, the present situation with respect to claims 50-52 and 55-57 is also analogous to M.P.E.P. §806.05(i), which states that:

“where the product claims are allowable (i.e., novel and nonobvious), restriction may be required only where the process of making and the product made are distinct (M.P.E.P. §806.05(f); otherwise, the process of using must be joined with the process of making and product made, even if a showing of distinctness can be made between the product and process of using (M.P.E.P. §806.05(h)).”

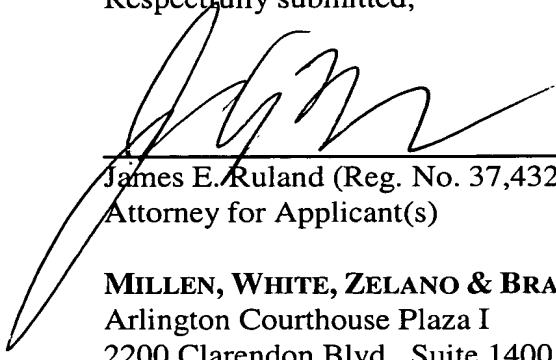
Thus, without a showing of distinctness between the process of making and product made, all claims should be rejoined immediately, not just once the product claims of Group IV are allowed.

In addition, Applicants have amended claim 7, and added claim 59 further defining the polymerised and crosslinked chiral compounds of, respectively, claims 18 and 19. As such, Applicants respectfully submit that these claims should be joined in the elected Group IV claims.

The elected species of Group IV is:



Respectfully submitted,



James E. Ruland (Reg. No. 37,432)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Direct Dial: (703) 812-5338

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claim 7 has been amended as follows:

7. (Twice Amended) A ~~method~~ polymerised and crosslinked chiral compound according to ~~any one of claims 1 to 3~~ 18, in which the chiral compound is polymerised by cross-linking a least a portion of the alkenyl moieties to obtain polymer beads which essentially constitute a chiral support.